



REMARKS

Claims 1-6 are in this application. Applicant was disappointed with the Examiner's decision to withdraw the allowability of the instant claims and issue a new rejection. Claims 1, 3, 4 and 6 now stand rejected under 35 U.S.C. § 112, first paragraph as being enabled for only two compounds. Applicant traverses and provides the following remarks.

The Examiner states that under the guidelines set out in In re Wands, one skilled in the art could not practice the instant invention without undue experimentation. In particular, the Examiner states that the specification provides guidance and is only enabled for the use of two compounds in the claimed methods, stating that "Applicant's specification does not set forth a representative number of examples of compounds, which would bind to a CXCR2 or CXCR1 receptor and thereby block the binding of neutrophils to activated endothelial cells or inhibit T-cell mediated chemotaxis".

Applicant respectfully asserts that the Examiner misconstrues the instant invention, and has failed to take into consideration the entirety of Applicant's disclosure. The instant invention is drawn to a method for inhibiting or blocking the binding of human neutrophils to activated endothelial cells in a patient (Claim 1) or to a method of inhibiting or blocking T-cell mediated chemotaxis in a patient. That is, the instant invention stems from the discovery that numerous compounds known in the art as CXCR2 inhibitors by their ability to, *inter alia*, antagonize ligand (i.e., IL-8) binding to the receptor mediate the instantly claimed methods. Contrary to the Examiner's assertion, Applicant's specification discloses more than a reasonable number of compounds that are capable of accomplishing the claimed inventions: the references cited at page 3, lines 12-19 of the instant specification disclose thousands of compounds of varying structure that were known to be IL-8 receptor antagonists, and that are now (i.e., after the Applicant's invention) known to inhibit neutrophil binding to activated endothelial cells or T-cell mediated chemotaxis. Accordingly, the instant claims are fully enabled by Applicant's disclosure.

The Examiner objects to the instant specification, stating that incorporation of essential material by reference to a foreign application or patent, or to a publication is improper, and requiring Applicant to amend the disclosure to include the referenced material. Applicants herein provide an amendment to the specification at page 3, lines 12-19 wherein Applicant provides, where available, United States patent numbers that correspond

to the referenced patent application publications. Applicant respectfully asserts that incorporation by reference to a United States patent is proper.

In view of the above amendments and remarks, Applicant respectfully requests allowance of the instant claims.

Respectfully submitted,



William R. Majarian
Attorney for Applicant
Registration No. 41,173

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5968
Facsimile (610) 270-5090

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